

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6320 OF 2005

M/s.Farm Vet Centre Pvt. Ltd. & Anr. ...Petitioners.
Vs.
The Union of India & Ors. ...Respondents.
....
Mr. Rajendra A. Mehta for the Petitioner.
.....

**CORAM : F.I REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.**

September 26, 2005.

P.C.

The Fourth Respondent availed of credit facilities from Canara Bank, the Third Respondent to these proceedings. The Bank instituted an application for recovery before the Debts Recovery Tribunal at Pune. The First Petitioner was arraigned as the Fifth Defendant to the proceedings before the Debts Recovery Tribunal. On 4th April 2005, the Debts Recovery Tribunal issued a recovery certificate against Defendant Nos.1 to 4 before the Tribunal, in the amount of Rs.1,48,19,133.81 together with interest. The Bank was granted permission to sell the mortgaged property.

The Petitioners claim under a Memorandum of Understanding dated 1st April 2003 executed with the Fourth Respondent. The contention of the Petitioners is that although no recovery certificates were issued against them, the property in which they claim an interest may be sold in execution. The Petitioners have stated that they sought to prefer an appeal before the Debts Recovery Appellate Tribunal which was, however, not accepted on the ground that the Petitioners had not paid the prescribed fee of Rs.30,000/-. It has been averred that the Recovery Officer has directed an attachment of the immovable property. At the hearing of the petition, it has been stated that the Petitioners have preferred a representation dated 25th July 2005 to the Recovery Officer, and the only relief which has been pressed is for a direction to the Recovery Officer to dispose of the representation. Accordingly, this petition is disposed of by directing the Recovery Officer to dispose of the representation filed by the Petitioners in accordance with law. We clarify that we express no opinion on the nature of the interest which the Petitioners claim and on whether any interest has enured in their favour.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)